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10/015,613	12/17/2001	Patrick Baudisch	D/A1188	5897

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EXAMINER

BLACKMAN, ANTHONY J

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/015,613	Applicant(s) BAUDISCH, PATRICK	
	Examiner ANTHONY J. BLACKMAN	Art Unit 2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/9/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/7/05 have been fully considered but they are not persuasive. Applicant did not amend the claims after receiving the office action with KIDNEY et al, US Patent No. 4,984,279 anticipating claims 1, 3-5, 7, 11, 13, 16-18, 20, 22 and 24-25. Chiefly, applicant argues that the very broadly worded following feature, "the first and second display areas being so constructed and arranged such that an image displayed on at least a portion of the first and second display areas appears to be substantially continuous to a viewer situated to view the image" limitation for 1(c), 11 (c) and 22 (c) has not been met. Examiner respectfully disagrees and turns to, first, col 7, lines 3-17 and col 6, lines 63-68, regarding the "substantially continuous" language feature. KIDNEY et al discloses a satellite mapmaker (col 6, lines 63-64) with imaged regions (col 2, lines 64-68), followed with col 7, lines 3-6 disclosing the building up of an image using portions of various overlapping satellite images 3, 4, 5 and 6 and these images have various pixel sizes. The overlay processing for the satellite map making processing exceeds the claimed limitations noted above. Therefore, because applicant has not amended the claim language to overcome the reference, nor posed any meaningful arguments to overcome the reference, the previous office action is repeated below.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 3/9/05 is being considered by the examiner.

Further, please enter the amendments to the specification.

Specification

3. Previously Claim 27 is objected to because of the following informalities: claim 27 is not linked to an independent claim. Appropriate action by applicant has been taken.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-5, 7, 11, 13, 16-18, 20, 22 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by KIDNEY et al, US Patent No. 4,984,279.

6. As per claim 1, 11 and 22, KIDNEY et al meet the following limitations,
a) first display area having pixels of a first pixel size and a first boundary (see col. 7, ll. 3-17, figure 1, col. 6, ll. 29-col. 7, ll.17),

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b) second display area having pixels of a second pixel size, wherein the second pixel size is different from the first pixel size, and a second boundary (figure 1, col. 6, ll. 29-col. 7, ll.17), and

c) the first and second display areas being so constructed and arranged such that an image displayed on at least a portion of the first and second display areas appears to be substantially continuous to a viewer situated to view the image (see col. 7, ll. 3-17, figure 1, col. 6, ll. 29-col. 7, ll.17).

7. As per claim 4, KIDNEY et al meet limitations of claim 1, including, wherein the first and second boundaries are at least partially contiguous (see col. 7, ll. 3-17, figure 1, col. 6, ll. 29-col. 7, ll.17).

8. As per claim 5, 1, including, wherein one display area is adjacent to another display area (see col. 7, ll. 3-17, figure 1, col. 6, ll. 29-col. 7, ll.17).

9. As per claim 7, Kidney et al meet limitations of claim 1, including, further comprising a third display area having pixels of a third pixel size, wherein the third pixel size is different from at least one of the first and the second size, and a third boundary. (Kidney et al meet limitations of claim 1, including).

10. As per claim 16, Kidney et al meet limitations of claim 11, including, wherein there are 2 display areas (see col. 7, ll. 3-17, figure 1, col. 6, ll. 29-col. 7, ll.17).

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11 As per claim 17, Kidney et al meet limitations of claim 11, including, wherein there are three display areas, a first display area, a second display area, and a third display area (see col. 7, ll. 3-17, figure 1, col. 6, ll. 29-col. 7, ll.17).

12. As per claim 18, Kidney et al meet limitations of claim 11, including, wherein there are 5 display areas (see col. 7, ll. 3-17, figure 1, col. 6, ll. 29-col. 7, ll.17).

13. As per claim 25, Kidney et al meet limitations of claim 22, including, wherein one display area is adjacent to another display area (see col. 7, ll. 3-17, figure 1, col. 6, ll. 29-col. 7, ll.17).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-3, 12-13 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over KIDNEY et al , US Patent No. 4,984,279 in view of MURPHY et al, US Patent No. 6,282,362.

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16. As per claims 2, 12 and 23, KIDNEY et al meet limitations of claims 1, 11 and 22, however, the display including digital means lacks one display area [that] comprises an LCD display, found in MURPHY et al (col. 10ll. 21-44 and figure 1). It would have been obvious to one skilled in the art at the time of the invention to use technologically updated and improved "...invention [that] relates to a method and system for capturing, storing and digital image data of MURPHY et al to modify the digitized map data and display means of KIDNEY et al because MURPHY et al provides detailed image processings (col. 6, ll.31-36) in a digital processing framework.

17. As per claims 3, 13 and 24, KIDNEY et al meet limitations of claims 1, 11 and 22, however, lacks the following, "...wherein one display area comprises a projection surface (col. 6, ll. 31-37 and col. 7, ll. 48-57)". It would have been obvious to one skilled in the art at the time of the invention to use technologically updated and improved "...invention [that] relates to a method and system for capturing, storing and digital image data of MURPHY et al to modify the digitized map data and display means of KIDNEY et al because MURPHY et al provides detailed image processings (col. 6, ll.31-36) in a digital processing framework.

18. Claims 6, 8-10, 14-15, 18, 20-21 and 25-26 Claims 2-3, 12-13 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over KIDNEY et al , US Patent No. 4,984,279.

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19. As per claim 6, KIDNEY et al meet limitations of claim 1, even though KIDNEY et al does not expressly teach wherein the first display area is surrounded by the second display area, it would have been obvious to one skilled in the art at the time of the invention to manipulate the overlay techniques (col. 3, ll. 20-31 and col. 7, ll. 3-17) by selecting among the pixel areas by skilled operators.

20. As per claim 8, KIDNEY et al meet limitations of claim 1, even though KIDNEY et al does not expressly teach wherein the first display area surrounds the second and third display areas, it would have been obvious to one skilled in the art at the time of the invention to manipulate the overlay techniques (col. 3, ll. 20-31 and col. 7, ll. 3-17) by selecting among the pixel areas by skilled operators.

21. As per claim 8, KIDNEY et al meet limitations of claim 8, even though KIDNEY et al does not expressly teach wherein the second display surrounds the third display area, it would have been obvious to one skilled in the art at the time of the invention to manipulate the overlay techniques (col. 3, ll. 20-31 and col. 7, ll. 3-17) by selecting among the pixel areas by skilled operators.

22. As per claim 14, KIDNEY et al meet limitations of claim 11, even though KIDNEY et al does not expressly teach wherein at least one display area is surrounded by another display area, it would have been obvious to one skilled in the art at the time

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of the invention to manipulate the overlay techniques (col. 3, ll. 20-31 and col. 7, ll. 3-17) by selecting among the pixel areas by skilled operators.

23. As per claim 15, KIDNEY et al meet limitations of claim 14, even though KIDNEY et al does not expressly teach wherein at least two display area are surrounded by another display area, it would have been obvious to one skilled in the art at the time of the invention to manipulate the overlay techniques (col. 3, ll. 20-31 and col. 7, ll. 3-17) by selecting among the pixel areas by skilled operators.

24. As per claim 18, KIDNEY et al meet limitations of claim 11, even though KIDNEY et al does not expressly teach wherein there are 5 display areas, it would have been obvious to one skilled in the art at the time of the invention to manipulate the overlay techniques (col. 3, ll. 20-31 and col. 7, ll. 3-17) by selecting among the pixel areas by skilled operators.

25. As per claim 21, KIDNEY et al meet limitations of claim 16, even though KIDNEY et al does not expressly teach wherein a portion of the first display area is interposed between the second and third display areas, it would have been obvious to one skilled in the art at the time of the invention to manipulate the overlay techniques (col. 3, ll. 20-31 and col. 7, ll. 3-17) by selecting among the pixel areas by skilled operators.

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26. As per claim 26, KIDNEY et al meet limitations of claim 22, even though KIDNEY et al does not expressly teach wherein one display area is surrounded by another display area, it would have been obvious to one skilled in the art at the time of the invention to manipulate the overlay techniques (col. 3, ll. 20-31 and col. 7, ll. 3-17) by selecting among the pixel areas by skilled operators.

27. As per claim 27, KIDNEY et al meet limitations of claim 22 (as noted, examiner interprets claim 27 dependency from claim 22), even though KIDNEY et al does not expressly teach wherein the first display area surrounds the second display area, it would have been obvious to one skilled in the art at the time of the invention to manipulate the overlay techniques (col. 3, ll. 20-31 and col. 7, ll. 3-17) by selecting among the pixel areas by skilled operators.

Conclusion

28. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 703-305-0833. The examiner can normally be reached on FLEX SCHEDULE.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 703-308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTHONY J BLACKMAN
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